

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-27 were previously pending. Claims 1-8 and 19-29 were withdrawn from consideration. Claims 9-18 were examined and rejected.

By this Amendment, claims 1-8, 14 and 19-29 have been cancelled without prejudice to renewal, claims 9-13 and 17 have been amended, and claims 30-38 have been added. Support for the claim amendments and the newly added claim is found in the original claims and throughout the specification and the drawings. Accordingly, no new matter is added by these amendments.

Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 9-13, 15-18 and 30-34 are pending after entry of the amendments set forth herein.

Applicants respectfully request entry of the amendments herein and reconsideration of the application in view of the amendments and remarks made herein.

Claim Objections

Claim 14 was objected to under 37 C.F.R. 1.75(c) as being in improper form. As claim 14 has been cancelled, this objection has been obviated.

Rejections Under 35 U.S.C. §112

Claims 9-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because, as the Examiner states, the body of claim 9 does not coincide with the preamble.

While Applicant does not agree with this rejection, the preamble of claim 9 has been amended to reflect that the method is directed to repairing cardiac valves. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 9-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Deem et al. (WO 00/60995).

As amended, claim 9, as well as claims 10-13, 15-8 and 30-38 by virtue of their dependency on claim 9, are directed to a method of repairing cardiac valves using an apparatus comprising a fastener which is used to both temporarily grasp (step b) and permanently secure (step e) together the leaflets of a cardiac valve. Deem et al. does not disclose using an apparatus having a fastener which performs both of the claimed functions. Accordingly, Applicants respectfully request withdrawal of this rejection and allowance of the claims.

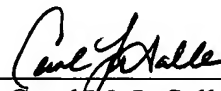
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CATT-001.

Respectfully submitted,
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Date: 2/26/04

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